

First Published in the Wichita Eagle on June 25, 2004

**RESOLUTION NO. 04-330**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-89914 (ALONG 37<sup>TH</sup> STREET NORTH, BETWEEN TYLER AND RIDGE)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **WATER DISTRIBUTION SYSTEM NUMBER 448-89914 (ALONG 37<sup>TH</sup> STREET NORTH, BETWEEN TYLER AND RIDGE)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-056** adopted on **February 10, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water Distribution System Number 448-89914 (along 37<sup>th</sup> Street North, between Tyler and Ridge)** in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Four Hundred Seventy Thousand Dollars (\$470,000)**, exclusive of the cost of interest on borrowed money, with **74.4** percent payable by the improvement district and **25.6** percent of the total cost payable by the City of Wichita from Water Department Water Utility Improvement Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2003**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**AVALON PARK**

Lots 1 through 52, Block 1  
Lots 1 through 13, Block 2  
Lots 1 through 18, Block 3  
Lots 1 through 28, Block 4

**UNPLATTED TRACT "A"**

That part of the SW 1/4 of Sec. 28, Twp. 26-S, R-1-W lying SW of the Kansas Southwestern Railroad right-of-way, EXCEPT the west 264 feet of the south 855 feet and EXCEPT the west 50 feet and the south 30 feet for road right-of-way.

**UNPLATTED TRACT "B"**

A tract of land in the SW 1/4 of Sec. 28, Twp. 26-S, R-1-W of the 6th P.M. more particularly described as follows:

Beginning at the NW corner of the SW 1/4 of Sec, 28, Twp. 26-S, R-1-W; thence N89°35'24"E along the north line of said SW 1/4, a distance of 2648.23 feet to the NE corner of said SW 1/4; thence S00°05'39"E along the east line of said SW 1/4 a distance of 1051.50 feet; thence N68°57'41"W a distance of 240.03 feet; thence S89°34'48"W a distance of 577.02 feet; thence S63°56'27"W a distance of 446.77 feet; thence S54°54'34"W a distance of 64.00 feet; to the P.C. of a curve with a chord bearing of N36°89'58"W, thence along the curve to the left with a radius of 968.00 feet, through a central angle of 02°09'05" an arc distance of 36.34 feet; thence S50°37'46"W a distance of 728.44 feet; thence N39°22'14"W a distance of 1277.82 feet to the west line of said SW 1/4; thence N00°00'00"E along said west line a distance of 628.57 feet to the point of beginning, EXCEPT for road right-of-way on Tyler Road.

#### **UNPLATTED TRACT 'B'**

That part of the SW 1/4 of Sec. 28, Twp. 26-S, R-1-W lying SW of the Kansas Southwestern Railroad right-of-way, EXCEPT the west 264 feet of the south 855 feet and EXCEPT the west 50 feet and the south 30 feet for road right-way.

#### **NORTHRIDGE PLAZA ADDITION**

Lots 1 through 11, Block A

#### **NORTH RIDGE ADDITION**

Lots 1 through 21, Block A

Lots 1 through 6, Block B

Lots 1 through 15, Block C

Lots 1 through 3, Block D

#### **TYLER'S LANDING ADDITION**

Lots 1 through 16, Block A

Lots 1 through 37, Block B

Lots 1 through 28, Block C

Lots 1 through 19, Block D

Lots 1 through 3, Block E

#### **TYLER'S LANDING 2ND ADDITION**

Lots 1 through 27, Block A

Lots 1 through 67, Block B

Lots 1 through 14, Block C

#### **UNPLATTED TRACT "C"**

The E 1/2 of the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part platted as Hoskinson 2nd Addition, Sedgwick County, Kansas, and EXCEPT a tract of land in the E 1/2 of the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the NW corner of Lot 8, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas, thence S00°07'35"W along the west line of said Lot 8, 206.00 feet to the SW corner of said Lot 8; thence S89°29'08"W parallel with the

north line of said NE 1/4, 140.00 feet; thence N00°07'35"E parallel with the west line of said Lot 8, 206.00 feet; thence N89°29'08"E parallel with the north line of said NE 1/4, 140.00 feet to the point of beginning.

### **HOSKINSON'S 2ND ADDITION**

Lots 5, 6, 7, & 8, Block A

### **UNPLATTED TRACT "D"**

That part of the E 1/2 of the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the NW corner of Lot 8, Block 1, Hoskinson 2<sup>nd</sup> Addition, Sedgwick County, Kansas, thence S00°07'35"W along the west line of said Lot 8, 206.00 feet to the SW corner of said Lot 8; thence S89°29'08"W parallel with the north line of said NE 1/4, 140.00 feet; thence N00°07'35"E parallel with the west line of said Lot 8, 206.00 feet; thence N89°29'08"E parallel with the north line of said NE 1/4, 140.00 feet to the point of beginning.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional basis**:

Lots 1 through 52, Block 1; Lots 1 through 13, Block 2; Lots 1 through 18, Block 3; and Lots 1 through 28, Block 4, Avalon Park Addition shall each pay 10/10,000 of the total cost of the improvements; Unplatted Tract "A" shall pay 1376/10,000 of the total cost of the improvements; Unplatted Tract "B" shall pay 546/10,000 of the total cost of the improvements; Lot 1, Block A, Northridge Plaza Addition, shall pay 775/10,000 of the total cost of the improvements; Lot 2, Block A, Northridge Plaza Addition, shall pay 971/10,000 of the total cost of the improvements, and Lots 3 through 11, Block A, Northridge Plaza Addition, shall each pay 60/10,000 of the total cost of the improvements, Lots 1 through 21, Block A; Lots 1 through 6, Block B, Lots 1 through 15, Block C, and Lots 1 through 3, Block D, North Ridge Addition shall each pay 25/10,000 of the total cost of the improvements; Lots 1 through 16, Block A; Lots 1 through 37, Block B; Lots 1 through 28, Block C; Lots 1 through 19, Block D; and Lots 1 through 3, Block E, Tyler's Landing Addition shall each pay 9/10,000 of the total cost of the improvements; Lots 1 through 27, Block A; Lots 1 through 67, Block B; and Lots 1 through 14, Block C; Tyler's Landing 2nd Addition shall each pay 9/10,000 of the total cost of the improvements; Unplatted Tract "C" shall pay 429/10,000 of the total cost of the improvements; Lot 5, Block A, Hoskinson's 2nd Addition, shall pay 690/10,000 of the total cost of the improvements, Lot 6, Block A, Hoskinson's 2nd Addition, shall pay 140/10,000 of the total cost of the improvements, Lot 7, Block A, Hoskinson's 2nd Addition, shall pay 68/10,000 of the total cost of the improvements, and Lot 8, Block A, Hoskinson's 2nd Addition, shall pay 150/10,000 of the total cost of the improvements, and Unplatted Tract "D" shall pay 181/10,000 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas June 22, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)